

REMARKS

Claims 1 - 13 are pending in the present application.

This Amendment is in response to the Office Action mailed May 12, 2008. In the Office Action, the Examiner rejected claims 1 - 13 under 35 U.S.C. § 102(b).

Applicant has amended claims 1, 2, 3, 5, 6, 7, 9, 11, and 12.

I. EXAMINER INTERVIEW

In an interview with the Examiner and SPE Robert Kim on September 3, 2008, the undersigned discussed the rejection of the claims and the cited reference of Deeman et al. (U.S. Patent No. 7,218,470). Based on the interview, an agreement was reached to clarify the language in Claim 1 specifying the tangential track path of the electron beam position and the direction of the tangential beam deflection.

Accordingly, claims 1, 2, 3, 5, 6, 7, 9, 11, and 12 have been amended to that effect.

II. FINALITY OF OFFICE ACTION

The Applicant respectfully requests withdrawal of the finality of the Office action since the amendments made in response to the prior (first) Office action did not necessitate a new ground of rejection.

Accordingly, the Applicant requests entry of the present claim amendments.

III. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1 - 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,218,470 issued to Deeman et al. Applicant respectfully traverses the rejections for the following reasons.

Deeman et al. discloses a lithography apparatus for producing a uniform exposure dose to a workpiece rotating under constant angular velocity.

Deeman et al. does not disclose, inter alia, a beam deflection apparatus or method for deflecting an electron beam in a rotational radial direction of a substrate and in a rotational tangential direction of the substrate relative to the circle path and in the same rotational direction of the substrate, while drawing transition is performed from one circle to another circle. Moreover, Deeman et al. does not suggest or render obvious a modification of its lithography apparatus to arrive at the Applicant's claimed invention.

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131).

Since Deeman et al. has failed to show the identical invention in as complete detail as is contained in the claims, Applicant respectfully requests that the rejection of claims 1 – 13 under 35 U.S.C. §102(b) be withdrawn.

IV. COPENING U.S. APPLICATIONS

In complying with the duty of disclosure set forth in 37 CFR 1.56, Applicant wishes to inform the Examiner that copending U.S. Application No. 10/591,750 is directed to subject material related to that disclosed in this Application.

CONCLUSION


In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

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Dated: Sept. 10, 2008



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